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# Renewed Petition Under 37 CFR 1.137 (a)

October 25, 2004

In re Application of: Youti Kuo  
Serial No. : 09/853,803  
Filed : May 14, 2001  
For : Handheld Diagnostic Device  
with Renewable Biosensor

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OFFICE OF PETITIONS

Honorable Commissioner of  
Patents and Trademarks  
Washington DC 20231

Sir:

Per the letter of Decision on Petition (10/14/04) of Senior Petition Attorney, Alesia M. Brown, I hereby submitted the Renewed Petition Under 37 CFR 1.137 (a) with the "Response to the Outstanding Office Action". Your favorable reconsideration of this renewed petition is very much appreciated.

Respectfully submitted,

Youti Kuo, Applicant  
88 Foxbourne Road, Penfield, NY 14526  
Tel: 585-231-5064



**RESPONSE TO OUTSTANDING OFFICE ACTION (7/17/2003)**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: YOUTI KUO :

Application No: 09/853,803 : Art Unit: 3736

Filed: 05/14/2001 : Examiner: David J. McCrosky

For: Handheld Diagnostic Device : Date: September 6, 2004  
With Renewable Biosensor

Honorable Commissioner of  
Patents and Trademarks  
Washington DC 20231

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OFFICE OF PETITIONS

Sir:

**Response to outstanding office action (7/17/2003)**

In the Office Action (07/17/03), Claims 1-4, 6, 9-16 and 18 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-3, 5-8, 11-14, 16 and 17 of copending Application No. 09/802,988 by Kuo. Claims 22 and 23 were allowed. Claims 5, 7, 8, 17 and 19-21 were objected to as being dependent upon a rejected base claim.

Applicant herewith inform the Examiner that Claims 1-23 in Application No. 09/802,988 had been canceled as stated in the Amendment by Examiner Samuel P. Siefke in response to the Authorization (04/21/03) on the telephone interview with Fred Denson who represented the Applicant. Due to the cancellation, the patent of Application No. 09/802,988 (since issued as US Patent NO. 6,623,698) does not include Claims 1-23. A copy of Notice of Allowability by Samuel P. Siefke on Application No. 09/802,988 is attached for reference.

With the cancellation of Claims 1-23 of Application No. 09/802,988, the obviousness-type double patenting will not be applicable to Claims 1-21 in Application No. 09/853,803. Therefore, the stated reason for the provisional rejection of Claims 1-4, 6, 9-16 and 18, as well as objection of Claims 5, 7, 8, 17 and 19-21 is removed. Thus, favorable reconsideration and allowance on all claims for Application No. 09/853,803 are respectfully requested.

Respectfully submitted,

Youti Kuo, Applicant  
88 Foxbourne Road, Penfield, NY 14526  
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*Youti Kuo* 10/25/04